

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES M. MILLIKEN,

Plaintiff,

vs.

S. ALFARO, et al.,

Defendants.

1:20-cv-00963-NONE-GSA-PC

**ORDER ACKNOWLEDGING  
PLAINTIFF'S PAYMENT OF THE  
FILING FEE**

**ORDER VACATING FINDINGS AND  
RECOMMENDATIONS ISSUED ON  
SEPTEMBER 21, 2020  
(ECF No. 13.)**

**ORDER RESOLVING PLAINTIFF'S  
MOTIONS FILED ON SEPTEMBER 14,  
2020  
(ECF Nos. 10, 11.)**

**I. BACKGROUND**

James M. Milliken ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. On July 6, 2020, Plaintiff filed the Complaint commencing this action. (ECF No. 1.)

On September 14, 2020, Plaintiff filed a motion to proceed *in forma pauperis* and a certified copy of his prison trust account statement pursuant to 28 U.S.C. § 1915. (ECF Nos. 10, 11.) Plaintiff's prison trust account statement showed that on September 2, 2020, he had a balance of \$1,644.87 in the account, and his average monthly balance during the past six months

1 was \$3,164.41. (ECF No. 10 at 3.) Under these facts, the court issued findings and  
2 recommendations, recommending that Plaintiff's motion to proceed *in forma pauperis* be denied  
3 and Plaintiff be required to pay the statutory filing fee of \$400.00 for this action in full. (ECF  
4 No. 13.)

5 On October 2, 2020, Plaintiff paid the \$400.00 filing fee. Therefore, the court shall vacate  
6 the findings and recommendations issued on September 21, 2020.

7 **II. CONCLUSION**

8 Based on the foregoing, **IT IS HEREBY ORDERED** that:

- 9 1. The findings and recommendations issued on September 21, 2020, are  
10 VACATED; and  
11 2. This order resolves Plaintiff's motions filed on September 14, 2020.

12  
13 IT IS SO ORDERED.

14 Dated: October 7, 2020

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE